

Offered: 4/22/86
Referred: Finance

Original sponsors: Davis, Hurley,
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1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 608 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to spraying and application of
7 pesticides and broadcast chemicals."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 46.03.320 is amended by adding a new subsection to
10 read:
11 (c) The department shall adopt regulations prescribing the wind
12 and other weather conditions during which spraying or application of a
13 pesticide or broadcast chemical for other than agricultural purposes
14 may be conducted, in order to protect the health and safety of the
15 public and to limit damage to crops and the environment. Regulations
16 adopted under this subsection do not apply to the spraying or applica-
17 tion of a chemical fire retardant by the Department of Natural Re-
18 sources.
19 * Sec. 2. AS 46.03.330(b) is repealed and reenacted to read:
20 (b) The department shall conduct a public hearing on the pro-
21 posed program if a hearing is requested by the governing body of the
22 affected municipality, or by a petition signed by at least 50 resi-
23 dents. The requirement for public hearing may be waived if the com-
24 missioner determines that a public emergency exists.
25 * Sec. 3. AS 46.03 is amended by adding new sections to article 6 to
26 read:
27 Sec. 46.03.340. NOTICE OF PESTICIDE APPLICATION. (a) At least
28 10 days before spraying or applying a pesticide or broadcast chemical
29 on publicly or privately owned land, the state, a municipality, a

1 utility, a public corporation, or a contractor of any of these, shall
2 publish notice of the proposed spraying or application in a newspaper
3 of general circulation serving the area where the affected land is
4 located. Notice shall also be given in any other manner necessary and
5 reasonably calculated to inform persons who lawfully reside on or use
6 (1) land on or over which the pesticide or broadcast chemical is
7 proposed or likely to be sprayed or applied; and (2) land any portion
8 of the property line of which is within 100 feet of the area on or
9 over which the pesticide or broadcast chemical is proposed to be
10 sprayed or applied. The requirement for public notice may be waived
11 if the commissioner determines that a public emergency exists.

12 (b) Notice under this section must include

13 (1) the chemical identity and product name of each pesti-
14 cide or broadcast chemical to be applied;

15 (2) the dates and locations of the spraying or application;

16 (3) the problem or pest sought to be controlled by the
17 spraying or application;

18 (4) the manner of spraying or application;

19 (5) the name, address, and telephone number of the state
20 agency, municipality, utility, public corporation, or contractor of
21 any of these, responsible for the spraying or application;

22 (6) appropriate warnings concerning

23 (A) the known or suspected acute and chronic health
24 effects of exposure to each pesticide or broadcast chemical to be
25 applied;

26 (B) evacuation of and reentry to an area affected by
27 the spraying or application; and

28 (C) the use or consumption of, or contact with, crops
29 or plants affected by the spraying or application.

1 (c) This section does not apply to the spraying or application
2 of

3 (1) a chemical fire retardant by the Department of Natural
4 Resources; or

5 (2) a pesticide or broadcast chemical for agricultural
6 research purposes by the Department of Natural Resources or the Uni-
7 versity of Alaska.

8 Sec. 46.03.350. CONTAMINATION OF DOMESTIC WATER SUPPLIES PROHI-
9 BITED. A pesticide or broadcast chemical may not be sprayed or
10 applied in a location or manner that contaminates water used for
11 domestic consumption and thereby jeopardizes the health of persons
12 consuming the water.

13 * Sec. 4. AS 46.03.330(c) is repealed.